

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

U.S.A. vs. Anthony Shennard Lewis

Docket No. 4:00-CR-47-1

Petition for Action on Supervised Release

COMES NOW Dennis E. Albertson, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Anthony Shennard Lewis, who, upon an earlier plea of guilty to Possession With Intent to Distribute More than 50 Grams of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, on August 21, 2001, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

On May 4, 2005, the term of imprisonment was reduced to 120 months pursuant to a motion for downward departure.

Pursuant to a motion by the defendant under 18 U.S.C. § 3582(c)(2), the term of imprisonment was further reduced by the court to 97 months on May 16, 2008. Anthony Shennard Lewis was released from custody on May 23, 2008, at which time the term of supervised release commenced.

Based on a March 23, 2009, citation for Driving While License Revoked, Lewis was sanctioned by the court via waiver on April 14, 2009, with 24 hours community service. On February 14, 2011, supervision was modified by the court via waiver to convert a 5 day DROPS sanction into a 30 day term of home confinement with electronic monitoring. This sanction was in response to a December 2, 2010, positive urinalysis for marijuana.

Anthony Shennard Lewis
Docket No. 4:00-CR-47-1
Petition For Action
Page 2

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Lewis successfully completed the aforementioned term of home confinement and a program of outpatient substance abuse treatment at Port Human Services; however, a urinalysis submitted by the offender on April 4, 2011, tested positive for marijuana and was confirmed by the national laboratory. Lewis denies he used the substance; however, admitted he had been around others who were engaged in smoking marijuana. Based on the offender's regular employment, pursuit of his barber's license and otherwise satisfactory adjustment to supervision, it is recommended Lewis be sanctioned with 40 hours community service in lieu of a 10 days DROPS sanction.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 40 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dennis E. Albertson
Dennis E. Albertson
Senior U.S. Probation Officer
413 Middle Street, Room 304
New Bern, NC 28560-4930
Phone: (252) 638-4944
Executed On: May 11, 2011

ORDER OF COURT

Considered and ordered this 17th day of May, 2011, and ordered filed and made a part of the records in the above case.



Malcolm J. Howard
Senior U.S. District Judge